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SERVICE DATE – DECEMBER 23, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 232X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN
ORANGE COUNTY, CA

Decided: December 22, 2005

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinue of Service and Trackage Rights to abandon a 1.46-mile line of railroad known as the Tustin Industrial Lead from milepost 514.84 to milepost 516.10 and from milepost 514.70 to milepost 514.90 in the City of Orange, Orange County, CA. Notice of the exemption was served and published in the Federal Register on October 8, 2005 (70 FR 60600-01). The exemption became effective on November 17, 2005.

By decision served on November 17, 2005, the proceeding was reopened at the request of the Board’s Section of Environmental Analysis (SEA) and the exemption was made subject to three environmental conditions. One of the conditions imposed required UP to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

On December 2, 2005, SEA received a letter from UP requesting that the historic preservation condition be removed. In support of its request, UP attached correspondence, which included an indication by the California Office of Historic Preservation that there are no trestles or other structures that would be affected by the proposed abandonment. Therefore, SEA recommends that the section 106 historic condition imposed in the November 17, 2005 decision be removed.¹

Accordingly, the proceeding will be reopened and the previously imposed historic preservation will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ All other environmental conditions imposed in the November 17, 2005 decision remain in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the November 17, 2005 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary